

United States District Court	DISTRICT of ARIZONA
UNITED STATES OF AMERICA v. Howard Dennis BARNES aka: Stephen Jay Landau, Franklin M. Perelman, Timothy Vincent Bopp DOB: xx/xx/1942	DOCKET NO.
	MAGISTRATE'S CASE NO. <p style="text-align: center;">13 - 0 21 8 1 M-</p>

Complaint for violation of Title 18

United States Codes § 1341, 1028 (A)

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:

Count 1: Aggravated Identity Theft (Felony):

From a time unknown to on or about March 11, 2013, at or near Tucson, Arizona, in the District of Arizona, and elsewhere, the defendant, Howard Dennis BARNES did, during and in relation to a felony of mail fraud in violation of 18 U.S.C. Section 1341, with the intent to defraud, steal and use the identity of Stephen Jay Landau, without Mr. Landau's permission or knowledge all in violation of Title 18 United States Code Section 1028A.

Count 2: Mail Fraud (Felony):


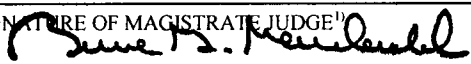
From a time unknown through on or about February, 2013, at or near Nogales, Arizona, in the District of Arizona, and elsewhere, the defendant Howard Dennis BARNES did, with intent to defraud, knowingly and willfully devise and intend to devise a scheme and artifice to defraud to obtain money and property by means of materially false and fraudulent promises, pretenses and representations. For the purpose of executing and attempting to execute said scheme to defraud, the defendant, BARNES, did knowingly cause to be delivered and deposited for delivery certain mail matter by the United States Postal Service or by a private or commercial interstate carrier, that is, a shipment of fraudulent deeds from Nogales, Arizona to California in violation of Title 18, United States Code, Sections 1341.

BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:

On or about 11/2012 BARNES fraudulently obtained an Arizona State Identification card from the State of Arizona using the name and actual date of birth of the real Franklin Michael Perelman. On or about 02/2013, Barnes also fraudulently obtained an Arizona State Identification card using the name and actual date of birth of Stephen Jay Landau. The pictures on both identification cards appear to be BARNES and also appear to match his valid California State Identification Card. The pictures depicted on the Arizona Identification Cards do not match the photos of the real Mr. Landau and Mr. Perelman from their valid California State Identification Cards.

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MATERIAL WITNESSES IN RELATION TO THE CHARGE:

Detention requested Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.	SIGNATURE OF COMPLAINANT (official title) 
Authorized by AUSA Jonathan B. Granoff	OFFICIAL TITLE Special Agent, U.S. Secret Service
Sworn to before me and subscribed in my presence.	
SIGNATURE OF MAGISTRATE JUDGE ¹⁾ 	DATE March 13, 2013

1) See Federal rules of Criminal Procedure Rules 3 and 54

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The U.S. Postal Inspection Service (USPIS) identified a P.O. Box rented/leased/secured by an individual with a counterfeit/fake California State Identification card with a photo of an individual who appeared to be BARNES. However, the ID read "Stephen Jay Landau" or "Landav" and contained the real Landau's address and DOB. The P.O. Box was identified as 1200 N Mariposa Road, #239, Nogales, AZ 85621 (note: the fraudulently obtained Arizona State Identification card under the name Franklin M. Perelman is registered with this same P.O. Box). A USPIS Inspector interviewed the manager of the 1200 N Mariposa Road facility and showed her a photo of BARNES. She said she did recognize the photograph as the person she knew as "Stephen Landau." She also stated that this same individual rented P.O. Box #239. The manager also said that she witnessed him sign Postal Service Form 1583 - Application for Delivery of Mail through Agent as "Stephen Landau." Throughout the investigation, the outside information contained on the envelopes of mail delivered to P.O. Box #239 was reviewed. This information reflected correspondence delivered to P.O. Box #239 under the names Stephen Landau and Frank Perelman.

The real Stephen Jay Landau and Franklin Michael Perelman were interviewed via telephone. Both denied that they ever allowed, authorized or aided BARNES in the use of their identities. The real Mr. Landau and Perelman also indicated that BARNES used their identities without their permission. In addition, both denied they had been to the Tucson or Nogales, AZ areas in the last 20 years if at all.

Mr. Landau then revealed that a parcel of his land was fraudulently sold to a third party victim named Dr. Robert Zrim. Dr. Zrim forwarded copies of documents sent to him in California from Arizona via the U.S. Mail pertaining to two fraudulent land sales. The first fraudulent sale went through. The second was about to close when Dr. Zrim became aware of the scheme and contacted law enforcement.

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Dr. Zrim forwarded an email pertaining to the first sale in which the seller, purporting to be Stephen J Landau, used the email address stevelandau2013@gamil.com. In this e-mail, Dr. Zrim was informed that the grant deed was sent via priority mail and listed the tracking number. In a later message, but still under that same string, Dr. Zrim was instructed to either wire the payment or mail a check to "Stephen J Landau, 1200 N Mariposa Road, #239, Nogales, AZ 85621. Dr. Zrim subsequently wired the money to Armed Forces Bank from his Chase Bank account in California. On or about 01/03/13 - 01/04/13, Dr. Zrim received the deed purporting to transfer the property from Steven Landau to Dr. Zrim. This fraudulent deed was signed "Stephen J Landau" in handwriting similar to the signature on the Arizona State Identification. The grant deed was also notarized by a Notary Public in Pima County Arizona. These documents were mailed to Dr. Zrim in California from Arizona via the United States Mail on or about 01/02/13 - 01/03/13.

The Notary Public who notarized the deed purporting to transfer the above property to Dr. Zrim was interviewed. The Notary books reflected that the individual who had his signature notarized in relation to this deed presented a California Identification Card using the name Stephen J Landau. During the interview of the Notary Public, she was presented with a photo lineup that included a picture of the defendant, BARNES. She identified BARNES as the individual who had requested the notarization.

Later, Dr. Zrim, still appearing as if he was interested in a second land purchase, received another fictitious grant deed via the U.S. Postal Priority Mail. A review of the tracking number that corresponded to this delivery reflects that these documents were mailed to California from the Valencia Post Office in Tucson, AZ on or about 02/28/13 at approximately 12:44 P.M. In that package, was the aforementioned second grant deed signed "Stephen J Landau" and a typed letter instructing Dr. Zrim to again either wire money to a bank account or mail a check to the Nogales, AZ P.O. Box under the name Stephen J Landau.

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Video surveillance from the Valencia Post Office was obtained during the time period that corresponds to the time the package was mailed on February 28, 2013. The video depicts an individual who matched the general physical description of BARNES as the individual who mailed the package.